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23rd November 2018

An Taoiseach Mr Leo Varadkar TD and
Mr Richard Bruton TD
Minister for Communications, Climate Action and Environment
Government Buildings
Dublin 2

Procurement Process Audit – State-led intervention under the National Broadband Plan

Review of the former Minister for Communications, Climate Action and Environment's engagement with David McCourt, and other consortium members engaged in the procurement process for the State-led intervention under the National Broadband Plan, between May 2016 and October 2018.

Please find attached an updated QA Memo documenting my review of the former Minister for Communications Climate Action and Environment's engagement with David McCourt and other consortium members engaged in the procurement process for the State-led intervention under the National Broadband Plan between May 2016 and October 2018.

This update:

- Addresses Feedback from former Minister Naughten and Mr McCourt, to include specific matters of fact and provide additional clarity with respect to the findings and conclusions of the review.
- Corrects typographical errors and includes a meeting with the enet Management Team and the former Minister on the 3rd of January 2018 that I had incorrectly omitted from the list of meetings during the finalisation of the report.
- Amends the count of meetings in sections 4.1, 5.1, 5.2, and 5.3 to include the omitted meeting and to correct the number of public events referenced in section 4.1.

This update does not change the overall conclusions of the review.

This memo is laid out as follows

1. Terms of Reference;
2. Approach to the Review;
3. Background information with respect to the Procurement Process for the State-led intervention under the National Broadband Plan;
4. Findings;
5. Conclusions; and,
6. Appendices

Peter Smyth
Procurement Process Auditor



Procurement Process Audit State-led intervention under the National Broadband Plan

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and Environment's engagement with David McCourt, and other
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State-led intervention under the National Broadband Plan,
between May 2016 and October 2018.**

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1. Terms of Reference

The Process Auditor for the National Broadband Plan procurement process is required to confirm that the appropriate guidelines and processes are followed in the procurement of the project (detailed terms of reference for the NBP Process Auditor are included as appendix V).

The Process Auditor was asked to prepare an additional report which will:

- take account of the ongoing work on the Process Audit, and the detailed knowledge of the procurement process accumulated to date;
- consider any implications for the procurement process of the meetings between the former Minister for Communications, Climate Action and Environment, and representatives of the remaining tendering consortium, and
- allow the Government to assess whether or not the integrity of the procurement process has been undermined by these meetings.

The Process Auditor was, at his own discretion, to review all relevant documentation held by the Department and/or to seek written or oral inputs from any relevant parties.

In keeping with the role of a Process Auditor I have not been asked, as part of this report, to consider any substantive issues relating to the bid submitted which is the subject of ongoing evaluation by the Department's Evaluation Team.

2. Approach to the Review

This review builds on the ongoing Process Audit of the procurement process for the State-led intervention under the National Broadband Plan (NBP).

I have constructed a chronological record of former Minister Naughten's engagements with the Bidder Consortiums (and / or individual members of the Bidder Consortiums) within the timeframe of the procurement process for the State-led intervention under the NBP (Appendix II). In total former Minister Naughten attended 40¹ meetings with representatives of one or more members of the Consortiums tendering for the State-led Intervention under the NBP. In summary, the former Minister was present at:

- 18¹ Meetings with the Granahan McCourt consortium, (including four Meetings with SSE, up to the 28th of July 2018 when SSE exited the process);
- 10 Meetings with SIRO (Vodafone and ESB), (up to the 25th of September 2017);
- Seven Meetings with eir, (up to the 30th of January 2018);
- One Meeting with NJJ;
- Four Meeting with the Telecommunications Internet Federation (at which all bidders would have been represented).

¹ Including 1 Telephone Call



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I have also reviewed the former Minister's call logs to identify any telephone calls between the former Minister and Mr McCourt in particular.

I have reviewed any contemporaneous minutes or formal records of these engagements where they were available. In the absence of a minute or other formal record of an engagement I have interviewed the participants to confirm what was discussed at the meetings. I have also reviewed entries on Lobbying.ie. I have been able to independently verify the main focus of 37 of the 40 meetings listed. I am reliant on the statements of the former Minister and Mr McCourt for verification of the purpose and contents of two, one to one, meetings and one telephone call held.

I have reviewed the contents of all Ministerial Briefings and updates in relation to the progress of the procurement process for the State-led intervention under the NBP and compared them to the information that was available to the Bidder Consortiums through the dialogue process at the time of each individual meeting to determine if the former Minister was privy to any sensitive information that would have been of benefit to a bidder in the conduct of the dialogue at the time that they met.

I have reviewed the decision register for the State-led intervention for the NBP. I have reviewed the evolution and iteration of the Tender Documents between the Invitation to Participate in Dialogue, the Invitation to Submit a Detailed Solution, the Invitation to Submit a Refined Detailed Solution and the Invitation to Submit a Final Tender.

For completeness, I have also constructed a chronological record of all other engagements between staff in the Department of Communications, Climate Action and Environment (DCCAE), (previously the Department of Communications, Environment and Natural Resources (DCENR)), and any members of the Consortiums involved in the procurement process for the State-led intervention under the NBP (Appendix III).

I have categorised 42 meetings under various headings and reviewed any contemporaneous minutes or formal records of these engagements where they were available. I have been able to independently verify the focus of all of these meetings.

3. Background information with respect to the Procurement Process for the State-led intervention under the National Broadband Plan

The Government's National Broadband Plan was published in August 2012. In November 2014 the then Minister for Communications published national and county maps online identifying premises where commercial providers would deliver high-speed broadband access by the end of 2016. In July 2015 the then Minister published a draft strategy building on plans to connect all areas where the commercial sector was unwilling to invest.



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On the 24th October 2015 the Department of Communications, Energy and Natural Resources (the Department) published a Prior Information Notice (PIN) in the Official Journal of the European Union and on etenders.gov.ie website regarding a proposed contract to appoint a Contractor(s) for the financing, development, construction, operation, maintenance and exploitation of the State-led intervention National Broadband Plan.

On the 15th December 2015 Government approved the commencement of a procurement process to deliver high speed broadband in line with the National Broadband Plan.

On the 22nd December 2015 the then Department of Communications Energy and Natural Resources (DCENR) published a Contract Notice in the Official Journal of the European Union and on etenders.gov.ie regarding the proposed contract to appoint a Contractor(s) for the financing, development, construction, operation, maintenance and exploitation of the State-led intervention National Broadband Plan (including the provision of next generation access (NGA) wholesale services for premises that are unlikely to be able to access such services through commercial investment alone) ("the Project") described within a Project Information Memorandum (the "PIM") attached to the Contract Notice.

The Procurement is being completed using a competitive dialogue process. This process has progressed through the following stages:

- **Stage 1 - pre-qualification (22nd December 2015 – 5th July 2016);** this stage is governed by the Pre-Qualification Documents. It involves a detailed consideration of PQQ submissions made by potential bidders in order to determine if the submissions meet the criteria to allow potential bidders to progress to the Invitation to Participate in Dialogue (ITPD) Phase of the Programme
- **Stage 2a – dialogue and Invitation to Submit a Detailed Solution (5th July 2016 – 9th February 2018);** this stage is governed by the ITPD and other documents related to the dialogue stage including the Invitation to Submit a Detailed Solution (ISDS) which was issued to the shortlisted Bidders following the pre-qualification stage. The process outlined in the PQQ and the PIM allowed for multiple iterations of Stage 2 and for the submission of a Refined Detailed Solution(s) if required.
- **Stage 2b – dialogue and Invitation to Submit a Refined Detailed Solution (7th March 2018 – 13th September 2018);** this stage is governed by the ITPD and other documents related to the dialogue stage including the Invitation to Submit a Refined Detailed Solution (ISRDS) which was issued to the shortlisted Bidders following the pre-qualification stage.
- **Stage 3 – final tender (13th September – Ongoing);** this stage is governed by the Invitation to Submit Final Tenders (ISFT) which was issued to the remaining Bidder in the Procurement at the point the dialogue stage is closed.

In addition to the steps outlined above, the Department reserved the right to refine or change aspects of the competitive dialogue procedure and to introduce a right to negotiate



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during the Final Tender and/or Preferred Bidder stages. The details of the process followed, including each individual step, is set out in appendix I.

4. Findings

Former Minister Naughten attended 40³ meetings with representatives of one or more members of the Consortiums tendering for the State-led Intervention under the NBP.

- 18 meetings with the Granahan McCourt consortium.
- Seven meetings with the eir consortium and one meeting with NJJ.
- Ten meetings with the SIRO consortium.
- Four Meetings with the Telecommunications and Internet Federation.

The former Minister also had had nine telephone calls with David McCourt. The majority of the calls are of short duration coinciding with the dates of physical meetings. However, one call on the 8th of August 2018 lasted for close to 12 minutes and was made following a senior sponsors dialogue meeting earlier that day. I have therefore treated this call as a separate meeting for the purposes of this review.

4.1. Meetings with the Granahan McCourt Consortium²

The Former Minister for Communications Climate Action and Environment met with David McCourt, individually or with other members of the Granahan McCourt consortium (including SSE), on 12³ occasions between the 20th of October 2016 and the 8th of August 2018. The former Minister also met with the Granahan McCourt consortium and SSE in the absence of Mr McCourt on six occasions between the 28th June 2016 and the 8th of August 2018.

Former Minister Naughten and Mr McCourt were both present at two public events.

- 7th September 2017, Public launch of enet/SSE plan to rollout fibre to the home (FTTH) to 115,000 premises. Public launch in Ballinasloe attended by David McCourt and other enet/SSE representatives and Former Minister Naughten.
- 14th May 2018, launch of David McCourt's Book attended by former Minister Naughten.

Three meetings and one telephone call were held in the context of the State-led intervention under the National Broadband Plan (NBP).

- 31st January 2018, coffee meeting in Dublin with David McCourt.
- 26th June 2018, Pre-Sponsors meeting with David McCourt.

² On receipt of the initial Prequalification submission in 2016 the Granahan McCourt led consortium was referred to as GENC [REDACTED]

[REDACTED]. For the sake of consistency any reference to the consortium in this document will use Granahan McCourt

³ Including the telephone call on the 8th of August 2018



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- 26th June 2018, Sponsors meeting with David McCourt and the Granahan McCourt NBP team.
- 8th August 2018, phone call with David McCourt.

The former Minister also met with David McCourt [REDACTED] on the 16th July 2018, whilst he was in New York to address the United Nations on Ireland's progress on implementing Sustainable Development Goals. The former Minister was accompanied by one of his advisors and other DCCAE officials. The procurement process for the State-led intervention under the NBP was addressed briefly.

The remaining five meetings with the former Minister and David McCourt were held in the broader context of enet and or SSE's business activities in Ireland.

- 20th October 2016, introductory meeting with David McCourt.
- 16th September 2017, dinner with David McCourt and Minister Pat Breen in Clare.
- 28th February 2018, dinner in Dublin with David McCourt.
- 27th March 2018, short dinner with David McCourt in the Merion Hotel.
- 16th April 2018, meeting with David McCourt.

The former Minister also met with other enet or SSE executives five times in the broader context of enet and or SSE's business activities in Ireland.

- 28th of June 2016, meeting with SSE Senior Executives to discuss issues related to the Energy Sector.
- 20th of July 2016, introductory meeting with enet's CEO, [REDACTED]. The focus of this meeting was the Metropolitan Area Networks (MANs).
- 26th October 2016, meeting with SSE Senior Executives to discuss Wind Energy Sector.
- 3rd January 2018, meeting with enet senior management.
- 16th January 2018, meeting with SSE senior management.

The former Minister also attend a public event hosted by SSE to launch a sustainability impact report for the Galway Windpark.

- 28th of November 2016, Public Launch of a sustainability impact report for the Galway Windpark. This event was host by SSE and both the former Minister and [REDACTED].

4.2. Meetings with eir

The former Minister met with eir and NJJ eight times between the 22nd of December 2015 and the 30th of January 2018 when they withdrew from the State-led intervention under the NBP.

Only one of these meetings was held in the context of the procurement process for the State-led intervention under the National Broadband Plan (NBP).



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- Former Minister Naughten met with Richard Moat the then Chief Executive Officer of eir on the 23rd of January 2018 to encourage eir to remain in the procurement process for the National Broadband Plan. However, eir confirmed their withdrawal from the procurement process in a letter to the former Minister on the 30th of January 2018.

The remaining seven meetings were held in the broader context of eir and NJJ's other business activities in Ireland.

- Four of the Meetings relate to eir's commitment agreement with the DCCAE for the roll-out of FTTH to 300,575 premises:
 - 21st July 2016 meeting with Richard Moat of eir to discuss eir's proposal.
 - 14th December 2016 meeting with Richard Moat of eir to progress eir's proposal.
 - 27th March 2017 meeting with Richard Moat at the margins for the public launch.
 - 30th August 2017, meeting with eir to update on achievement of milestones in eir's roll-out of FTTH in line with their commitment agreement.
- Two meetings were related to Public events:
 - 27th March 2017 public event launching eir's roll-out of FTTH to 300,575 premises; and
 - 20th September 2017, Meeting with eir at the Ploughing Championships.
- One meeting on the 24th January 2018 was with NJJ after they announced plans to acquire a majority shareholding in eir.

4.3. Meetings with members of the Siro consortium

The former Minister met with Vodafone or ESB ten times between the 22nd of December 2015 and the 25th of September 2017 when they withdrew from the State-led intervention under the NBP.

Three of the meetings were public events.

- On the 20th of September 2016, former Minister Naughten attended a launch of a book by the ESB at the Ploughing Championships
- On the 30th of August 2017 the, former Minister attended the Launch of Vodafone's Narrow Band Internet of Things (IoT) in the CHQ building at the IFSC.
- On the 20th of September 2017, the former Minister Naughten attended a launch the ESB Archives at the Ploughing Championships.

Three of the meetings were held with the ESB in the context of the energy business in Ireland.

- On the 27th of September 2016, the former Minister Naughten met with the ESB to discuss Energy Policy and Decarbonisation.
- On the 11th of October 2016 the, former Minister Naughten met with the ESB again to discuss Energy Policy and Decarbonisation.
- On the 13th of June 2017, the former Minister Naughten met with the ESB again to discuss Energy Policy.



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Four of the meetings were held with Vodafone in the context of their non NBP business interests in Ireland.

- On the 16th of June 2016, the former Minister Naughten had an introductory meeting with Vodafone's Irish and Group CEO's to discuss Vodafone / SIRO's investment in Ireland.
- On the 19th of December 2016 the, former Minister Naughten met Vodafone's Irish CEO to discuss Mobile and Broadband Public Policy.
- On the 11th of July 2017 the, former Minister Naughten again met Vodafone's Irish CEO to discuss Mobile and Broadband Public Policy.
- On the 30th of August 2017, the former Minister Naughten met with Vodafone's CEO in advance of the launch of the Narrowband IoT to discuss Vodafone's investment in technology in Ireland.

4.4. Meetings at which all bidders were present

The former Minister also attended four events with the Telecommunications and Internet Federation (TIF). TIF is an industry body set up under the auspices of IBEC. All of the Bidding Consortiums are represented within the TIF.

- 23rd November 2016, TIF Annual Lunch
- 14th June 2017, TIF meeting
- 11th July 2017, TIF Meeting
- 29th November 2017, TIF Annual Lunch

4.5. Meetings between staff in the DCCAE and any members of the Consortiums involved in the procurement process for the State-led intervention under the NBP

There were 42 meetings between staff in the DCCAE and members of the Consortiums involved in the procurement process for the State-led intervention under the NBP outside of the Dialogue process. These meetings fall into 5 broad categories.

- Seven meetings of (or related to) the Sustainable Energy Governance Group (Previously the Better Energy Governance Group);
- 20 Meetings of the Management Services Entity Liaison Committee Meetings or Meetings related to the management of the Metropolitan Areas Networks;
- Four meetings with the Telecommunications Internet Federation (of IBEC);
- Six meetings with SSE related to Energy Efficiency / Electricity Policy; and,
- Five other Miscellaneous Meetings.

The meetings of (or related to) the Sustainable Energy Governance Group and the Telecommunications Internet Federation are industry level meetings with broad participation from the major companies in the sector. Both ESB and SSE would be represented at the Sustainable Energy Governance Group and enet, Vodafone and eir would be represented at the Telecommunications Internet Federation. These meetings address high level policy and progress towards industry level targets etc. Formal minutes or notes of



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these meetings are available. The NBP procurement process was not discussed at these meetings.

The meetings with SSE related to Energy Efficiency / Electricity policy and involved representatives from SSE's energy business and the DCCAE's energy team. The meetings did not address the NBP procurement process.

The Meetings of the Management Services Entity (MSE) Liaison Committee and Meetings related to the Metropolitan Areas Networks (MANs) involved representatives of enet and the DCCAE. Representatives of the Local Authorities in whose areas the MANs have been established would also attend the MSE Liaison meetings. These did not address the detail of the NBP procurement process beyond consideration of charges to be applied to any participant utilising the MANs infrastructure within the build out of the network.

One of the five miscellaneous meetings involved an IBEC delegation, including an enet representative, meeting with Department Officials. This meeting did not address the NBP.

SSE also met with the Assistant Secretary General for Energy at a meeting of the British Irish Chamber of Commerce in February 2018. The main focus of the discussion was energy policy and off-shore wind generation. This meeting did not address the NBP.

The other three miscellaneous meetings were with enet. Notes of these meetings have been reviewed and the NBP procurement process was not discussed at any of the meetings.

- Enet met with members of both the MSE Liaison and the NBP team on the 14th of February to advise them that they were no longer proceeding with the roll-out of FTTH to the 115,000 premises in the North / North West.
- David McCourt met with the Secretary General and Assistant Secretary with responsibility for the NBP on the 28th of February 2018 to confirm enet's commitment to the NBP procurement process particularly in the context of both eir's withdrawal and the imminent departure of enet's CEO.
- Enet met with the Assistant Secretary with responsibility for the NBP on the 5th of October 2018 to advise of the imminent appointment of a new CEO and an expected announcement of IIF becoming the 100% owner of enet. This meeting was held in the context of enet's role as the MSE for the MANs.

4.6. Verification of the topics of the meetings

22 of the 40 meetings at which the former Minister was present are supported by formal minutes and / or other meeting notes. 12 of the meetings were either public or Industry events and are supported by meeting notes. I have also been able to confirm the topics of discussion at three meetings, in the absence of minutes or other meeting notes, with either Minister Pat Breen or the former Minister's press secretary.



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I am reliant on the former Minister and Mr McCourt's accounts of the contents of the remaining two meetings and one telephone call.

- 31st January 2018, coffee meeting in Dublin with David McCourt following eir's withdrawal from the procurement process.
- 27th March 2018, short dinner with David McCourt in the Merion Hotel. The focus of this discussion was ALTV and the use of the BOX in Trinity College to train Syrian Refugees.
- 8th August 2018, telephone call with David McCourt

The 42 meetings between staff in the DCCAE and any members of the Consortiums involved in the procurement process for the State-led intervention under the NBP are supported by minutes, meeting notes or I have been able to validate the meeting content with DCCAE officials.

5. Conclusions

5.1. Meetings held in the normal course of the former Minister's role outside the procurement process for the State-led intervention under the NBP

30 of the meetings between the former Minister and representatives of one or more members of the Consortiums tendering for the State-led Intervention under the NBP were related to the normal business of the former Minister's Department outside of the NBP procurement process, and as such do not of themselves compromise the process.

18 of the 40 meetings between the former Minister and representatives of one or more members of the Consortiums tendering for the State-led Intervention under the NBP were definitively not related to the NBP procurement.

- Eight of the meetings were public events.
- Four of the meetings were industry events.
- Five of the meetings were related to the energy sector.
- One meeting was with NJJ following the announcement of their acquisition of a majority shareholding in eir.

One meeting with SSE related to both energy and the planned rollout of FTTH to 115,000 premises in the West and North West.

The remaining ten meetings relate to Broadband outside of the NBP process.

- Four meetings with eir were related to the rollout of broadband on a commercial basis. Three of the meetings were specifically related to the completion and implementation of a commitment agreement for the roll-out of next generation access to 300,575 premises on a commercial basis.
- Four meetings with Vodafone (SIRO) related to investment in broadband, including mobile broadband, on a commercial basis.



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- One meeting with enet related to the Metropolitan Area Networks as the Management Services Entity. A second meeting with enet related to the planned rollout of FTTH to 115,000 premises in the West and North West.

5.2. Meetings held in the context of the procurement process for the State-led intervention under the NBP

In his role as Minister for Communications, Climate Action and Environment former Minister Naughten was the key sponsor for the State-led intervention under the NBP. The former Minister was directly engaged in the procurement process as the key sponsor on five occasions beginning on the 23rd of January 2018.

- Former Minister Naughten met with Richard Moat, the then Chief Executive Officer of eir, with other DCCAE officials on the 23rd of January 2018 to discuss eir's imminent withdrawal from the procurement process for the NBP. eir confirmed their withdrawal from the procurement process in a letter to the former Minister on the 30th of January 2018. This meeting was minuted.
- Following the formal notification of eir's withdrawal from the procurement process the former Minister held a brief meeting with David McCourt the chairman of enet and Granahan McCourt on the 31st of January to confirm Granahan McCourt's commitment to the procurement process notwithstanding the withdrawal of eir. The former Minister advised that he briefed the Secretary General on this meeting. However, there is no formal minute of the meeting with David McCourt on the 31st of January.
- The former Minister was present at two meetings with David McCourt on the 26th of June 2018. The former Minister and the Department's lead for the procurement process met with David McCourt in advance of a broader sponsors meeting involving the leadership of the Department's and Granahan McCourt's dialogue teams. Former Minister Naughten and Mr McCourt both attended the sponsors meeting. These meetings focused on a number of key issues related to the implementation of the NBP and particularly on the affordability of any solution that could be put forward for a Government decision. Both of these meetings were minuted.
- There was also a phone call on the 8th of August on foot of a senior sponsors dialogue meeting held earlier on the same day. The former Minister sent a text message summarising this call to the Secretary General. However, there is no formal minute of this call.

The former Minister also had dinner with David McCourt on the 16th of July whilst the former Minister was in New York to address the United Nations on Ireland's progress on implementing Sustainable Development Goals. Mr McCourt was accompanied by his

██ The former Minister was accompanied by one of his advisors and other DCCAE officials. The procurement process for



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the State-led intervention under the NBP was addressed briefly. There is a formal note of the conversation with respect to the NBP.

5.3. Other meetings with David McCourt outside the procurement process for the State-led intervention under the NBP

The former Minister met with David McCourt on six other occasions outside the procurement process for the State-led intervention under the NBP, including one public event.

- David McCourt met with the former Minister on the 20th of October 2016. This was an introductory meeting as the Chairman of enet and Granahan McCourt in Leinster House with DCCAE officials present.
- The former Minister had dinner with Mr McCourt and [REDACTED] in Clare on the 16th of September 2017. Minister Pat Breen also attended this dinner.
- The former Minister had dinner with Mr McCourt and [REDACTED] in Dublin on the 28th of February 2018. The former Minister's press secretary was also in attendance at this dinner.
- The former Minister had another dinner with Mr McCourt on the 27th of March 2018. On this occasion there were no other parties present.
- The former Minister again met with Mr McCourt on the 16th of April 2018. The former Minister's press secretary and one of his special advisors were also in attendance at this meeting.
- The former Minister also attended the public launch of Mr McCourt's book in Dublin on the 14th of May 2018.

5.4. Pattern of Meetings with David McCourt

The former Minister met with the Mr McCourt on nine occasions including meetings at public events. The majority of these meetings occurred after the National Broadband Plan's Project team's decision to initiate a Refined Detailed Solution phase within the dialogue process. This required Granahan McCourt to continue to commit significant financial and human resources to the dialogue with an additional 87 dialogue meetings completed in advance of the submission of a Refined Detailed Solution and a further 101 dialogue meetings completed up to the submission of a final tender.

Eight of the meetings held between former Minister Naughten and David McCourt and the senior management of enet and SSE were held after eir had exited the process whilst Granahan McCourt were the sole remaining bidder.

- 31st of January 2018, brief meeting in Dublin.
- 28th of February 2018, dinner in Dublin.
- 27th of March 2018, dinner in Dublin.
- 16th of April 2018, dinner in Dublin.
- 14th of May 2018, launch of Mr McCourt's book in Dublin.



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- 26th of June 2018, pre-sponsors meeting in Dublin.
- 26th of June 2018, sponsors meeting in Dublin.
- 16th of July 2018, dinner in New York.

The former Minister had previously attended a dinner with Mr McCourt and [REDACTED] in Clare on the 16th of September 2017 and the former Minister had an extended phone call with Mr McCourt on the 8th of August 2018.

The meetings on the 26th of June 2018 were a formal part of the Dialogue process. The meeting on the 31st of January and the phone call on the 8th of August could also be considered in the context of the State-led intervention under the NBP. Albeit it would have been preferable that the former Minister was accompanied by a DCCAE official and that the meeting and the call were formally documented.

The remaining meetings as and of themselves gave rise to a concern as they suggest an ongoing engagement between the former Minister and Mr McCourt outside of any formal need for them to engage with each other in the normal course of the Department's business including the State-led intervention under the NBP.

5.5. Consideration of any implications for the procurement process of the meetings between the former Minister and David McCourt

In considering any implications for the procurement process I have specifically considered whether the former Minister was:

- Privy to any sensitive information that would have been of benefit to Granahan McCourt in the conduct of the dialogue at the time of each meeting between the former Minister and David McCourt?
- Took any decisions within the process that benefited Granahan McCourt;
- Was in a position to influence changes in the Tender Documents particularly, the Invitation to Submit a Refined Detailed Solution and the Invitation to Submit a Final Tender; and
- Was in a position to influence the evaluation of the submissions particularly the Refined Detailed Solution and the Final Tender.

5.5.1 Information Available to the former Minister

I have reviewed the contents of all Ministerial Briefings and updates in relation to the progress of the procurement process for the State-led intervention under the NBP and compared them to the information that was available to the Bidder Consortiums through the dialogue process at the time of each individual meeting to determine if the former Minister was privy to any sensitive information that would have been of benefit to a bidder in the conduct of the dialogue at the time that they met.



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The former Minister would have been aware of the Department's subsidy estimates and the Department's position on key clauses within the contract.

Due to the nature of the dialogue process and the feedback provided on the various submissions made the bidder would also have been fully aware of the Department's position on the Contract.

It is also clear from the subsidy estimate provided in the bidder's Refined Detailed Solution that the bidder was not aware of the Department's view on affordability for the subsidy. The sponsor meeting on the 26th of June was primarily focused on the bidder's assumptions with respect to the cost and revenue drivers in their models. The DCCAE NBP team pushed back on the extremely conservative approach to both costs and potential revenues by the bidder's team. The former Minister was in attendance to emphasise that he could not bring the potential subsidy likely to be sought on foot of the bidder's proposal to Government for approval.

5.5.2 Decisions Taken

I have reviewed the project decision register for the NBP programme. The only decisions attributable to the former Minister are, a decision to increase the number of premises in the Intervention Area, and the decision to issue the commitment agreement to eir covering their proposal to provide next generation access to 300,575 homes on a commercial basis. Both decisions were taken on the 22nd of November 2016. All other decisions were taken below Ministerial level by the Senior Civil Servants or by Government.

5.5.3 Document Changes

I have reviewed the process for making changes to the Tender Documents with a particular focus on where changes are proposed and signed off. All changes to the documents were proposed or initiated within the dialogue process. All changes were signed off below Ministerial level.

5.5.4 Evaluation of Submissions

All submissions are evaluated by separate evaluation teams (Technical, Contract and Commercial), against the specific requirements set out in the Tender Documentation. These teams have complete independence to determine the outcome of the evaluations. The assessments are reviewed by both an Evaluation Review Panel (ERP) and the Procurement Board for clarity and consistency in the feedback to the bidder(s). Neither the ERP nor the Procurement Board comment on the outcome of the evaluation or scores awarded. The evaluation teams consider input from the ERP



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and the Procurement Board and finalise feedback to the bidder(s). The Minister and the Government do not have a role in the evaluation process.

In my role as process auditor I have been closely involved in the oversight of the evaluation process; sitting in on a number of individual evaluation team meetings as an observer; and, attending the majority of the meetings of both the ERP and the Procurement Board.

Based on the consideration of these four elements I am satisfied that the former Minister did not influence or seek to influence the conduct of the tender process in favour of Granahan McCourt or otherwise.

5.6 Overall Conclusion

The meetings between the former Minister and Mr McCourt gave cause for concern as they suggest an ongoing engagement outside of any formal need for them to engage with each other in the normal course of the Department's business including the State-led intervention under the NBP.

The communications protocol for the procurement process for the State-led intervention under the NBP does not expressly prohibit engagements between the bidders (or individual members of a bidding consortium) and the Department. Any such prohibition would have been impracticable in the context of the Department's ongoing work outside of the procurement process. The requirement set out in the protocol is that engagements related to the procurement process for State-led intervention under the NBP themselves were subject to the protocol. Therefore, the fact that the former Minister met with Mr McCourt (or representatives of the other bidders) outside of the process is not in and of itself a basis for finding that the procurement process has been tainted.

Due to the limitations of the review process, in the absence of formal minutes or meeting notes for a number of meetings, I am reliant on statements of the former Minister, Mr McCourt and other parties for verification of the purpose and contents of those meetings. Therefore, I cannot unequivocally state that the State-led intervention under the NBP was not discussed at the meetings between the former Minister and Mr McCourt outside of the procurement process.

However, based on my ongoing review of the procurement process as the Process Auditor and consideration of the workings of the process particularly;

- The decision register;
- The evolution of the Tender Documents between the Invitation to Participate in Dialogue, the Invitation to Submit a Detailed Solution, the Invitation to Submit a Refined Detailed Solution and the Invitation to Submit a Final Tender;
- The evaluation process for each submission; and,



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- The information that could have been available to a bidder through contact with the former Minister;

I am satisfied that neither the former Minister nor Mr McCourt had the opportunity to influence the conduct of the tender process in favour of Granahan McCourt or otherwise.

I also believe that the decision of the former Minister to resign, thereby removing himself from the process insulates the process from any apparent bias created by his engagements with Mr McCourt.



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Appendix I: Project Details and Description

Withheld on Advice of the Procurement Process Auditor for the State-led intervention under the National Broadband Plan.



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Appendix II: Former Minister Naughten's Meeting with NBP Participants

Key
☐ Meetings at Public Events
☐ Meetings held in the context of the National Broadband Plan
☐ Meeting held in the context of enet and / or SSE's broader activities in Ireland

NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
PQQ Phase 22 nd December 2015 – 5 th July 2016	Introductory Meeting Vodafone	16/06/2016	Vodafone; [REDACTED]	Former Minister Naughten; [REDACTED] and other DCCAE Officials	Introductory Meeting to Vodafone. Update on Vodafone / SIKO investment in Ireland	No
	Introductory Meeting SSE	28/06/2016	SSE; [REDACTED]	Former Minister Naughten, Mark Griffin, Michael Manley, [REDACTED] and other DCCAE Officials	Broad ranging discussion on • The Energy Efficiency Obligation Scheme • Consultations on renewable electricity and heat and the National Mitigation Plan • Wind Energy Guidelines; • Key principles for the energy sector in the Brexit negotiations	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
ISDS Dialogue 19 th July 2016 – 20 th June 2017	Introductory Meeting – enet	20/07/2016	Enet; [REDACTED]	Former Minister Naughten; Katherine Licken [REDACTED] and other DCCAE Officials	Meeting Agenda: 1. Introduction 2. Update on the operation of the MANs and the performance of the Concessions.	Yes
	Meeting with eir	21/07/2016	Eir; [REDACTED]	Former Minister Naughten; Katherine Licken; [REDACTED] and other DCCAE Officials	Meeting Agenda: 1. Discussion re eir investment in national high-speed broadband infrastructure and services	Yes
	Public launch of “Then there Was Light”	20/09/2016	ESB	Former Minister Naughten; [REDACTED] and other DCCAE Officials	Public Launch of ESB Book at the Ploughing Championships.	No
	ESB Meeting	27/09/2016	ESB; [REDACTED]	Former Minister Naughten, Michael Manley	Discussion re public funding and policies to support decarbonisation	Yes
	ESB Meeting	11/10/2016	ESB; [REDACTED]	Former Minister Naughten, Michael Manley	Discussion re public funding and policies to support decarbonisation	Yes
	Introductory Meeting – David McCourt	20/10/2016	Enet & David McCourt	Former Minister Naughten; [REDACTED] and other DCCAE Officials	Meeting Agenda: 1. Introduction 2. Update on current operations	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees	Meeting Note	Recorded on Lobbying.ie
					3. Plans for development post Brexit	
	Meeting	26/10/2016	SSE, [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Presentation of the significant social, economic and environmental impacts delivered to date by the Galway Wind Park project. Promotion of the Galway Wind Park model for social acceptance, community engagement and local economic benefit	Yes
	TIF Annual Lunch	23/11/2016	Former Minister Naughten, and other DCCAE Officials	Industry Sector Event	TIF Annual Lunch	Yes
	Public Event – Launch of Sustainability Impact Report	28/11/2016	SSE, [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Public launch of a Sustainability Impact Report into the 169MW Galway Wind Park which is being jointly developed by SSE and Colte.	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees	Meeting Note	Recorded on Lobbying.ie
	Meeting for Galway Wind Park					
	Meeting with eir re commercial rollout of FTTH	14/12/2016	Eir; [REDACTED]	Former Minister Naughten, Katherine Licken, [REDACTED] and other DCCAE Officials	Discussion re Commitment Agreement for eir's FTTH rollout	Yes
	Meeting with Vodafone re Broadband and Mobile Public Policy	19/12/2016	Vodafone; [REDACTED]	Former Minister Naughten, Katherine Licken, [REDACTED] and other DCCAE Officials	Discussion re Broadband and Mobile Public Policy	Yes
	Public Event Launch of eir's 300,000 FTTH rollout	27/03/2017	Eir; [REDACTED]	Former Minister Naughten, and other DCCAE Officials	Launch of eir's rollout of FTTH to 300,000 premises	Yes
	Meeting at Public Event	27/03/2017	Eir; [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Launch of eir's rollout of FTTH to 300,000 premises	Yes
	Meeting with ESB re energy policy	13/06/2017	ESB; [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Broad Agenda re Energy Policy and Sustainability	Yes
	TIF Meeting	14/06/2017	[REDACTED]	Former Minister Naughten, Clarán Ó hóbáin, [REDACTED]	Industry Sector Meeting	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
				DCCAE Officials and other		
ISDS Submission 20 th June	Meeting with Vodafone	11/07/2017	Vodafone;	Former Minister Naughten, and other DCCAE Officials	Discussion re Broadband and Mobile Public Policy	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
2017 – 9 th February 2018	TIF Meeting	11/07/2017	[REDACTED]	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Industry Sector Meeting	Yes
	Meeting with eir	30/08/2017	Eir, [REDACTED]	Former Minister Naughten, and other DCCAE Officials	Update re 1 st milestone in the rollout of FTTH to 300,000 premises	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
	Meeting with Vodafone	30/08/2017	Vodafone; [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCA officials	Briefing meeting to provide a detailed overview of the Vodafone network, future investment plans; progress of the Gigabit Hubs initiative and update on the roll-out programme for SIRO	Yes
	Public Launch of Narrowband Internet of Things Network	30/08/2017	Vodafone; [REDACTED]	Former Minister Naughten, [REDACTED] and other DCCA Officials	Launch of Commercial Narrow Band Internet of Things (NB-IOT) Network by Vodafone at the EPIC Museum, CHQ, IFSC.	Yes
	Public Launch of enet/SSE development	07/09/2017	Enet & David McCourt	Former Minister Naughten. Public FTTH launch in Ballinasloe.	Public Launch of enet/SSE development	No
	Dinner with David McCourt Clare	16/09/2017	David McCourt	Former Minister Naughten, Minister Pat Breen	Private Dinner: General discussion re Granahan McCourt.	No
	Meeting with Eir	20/09/2017	Eir; Ploughing Championship	Former Minister Naughten, [REDACTED] and other DCCA Officials	Meeting at Public Event	No



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NBP Phase	Meeting	Date	Entity	Attendees/Invites	Meeting Note	Recorded on Lobbying.ie
	Public Launch of ESB Archives at the Ploughing Championship	20/09/2017	ESB; Ploughing Championship	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Public Launch of ESB Archives	No
	TIF Annual Lunch	29/11/2017	TIF Annual Lunch	Former Minister Naughten, and other DCCAE Officials	Industry Sector Event	Yes
	Meeting with enet	03/01/2018	enet	Former Minister Naughten, [REDACTED]	Discussion of issues related to the Commercial Rollout of Broadband by enet/SSE	Yes
	Stakeholder Meeting	16/01/2018	SSE	Former Minister Naughten, [REDACTED] and other DCCAE Officials	Discussion of SSE Energy Business. Discussion of issues related to the Commercial Rollout of Broadband by SSE-enet.	Yes
	Stakeholder Meeting	23/01/2018	eir	Former Minister Naughten, Mark Griffin, Claran Ó'hÓbáin and other DCCAE Officials	Meeting in advance of eir's formal withdrawal from the procurement process.	No
	Stakeholder Meeting	24/01/2018	NUI	Former Minister Naughten, Mark Griffin, Claran Ó'hÓbáin, [REDACTED] and other DCCAE Officials	Introductory meeting following NUI's announcement of its plans to acquire a majority shareholding in eir.	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
	Coffee Meeting	31/01/2018	David McCourt	Former Minister Naughten. (Secretary General Updated in advance of and following meeting).	Meeting to seek assurance of Granahan McCourt's continued commitment to NBP notwithstanding the withdrawal of air.	Yes
	Dinner in Dublin Hotel	28/02/2018	David McCourt, [REDACTED]	Former Minister Naughten and DCCAE Officials.	Met at Dinner when staying overnight in Dublin. Discussion re [REDACTED] work with ALTV and the BOX in TCD.	Yes
ISRDS Dialogue 7 th March 2018 – 1 st June 2018	Dinner David McCourt	27/03/2018	David McCourt	Former Minister Naughten	Discussion re use of the Box in Trinity to provide Training for Syrian Refugees	No
	Dublin Meeting	16/04/2018	David McCourt	Former Minister Naughten, and DCCAE Officials.	Short meeting in Dublin where the main topic of conversation was David's upcoming book launch.	Yes
	Book Launch	14/05/2018	David McCourt	Former Minister Naughten, and DCCAE Officials	Book launch. Public Event	No
ISRDS Submission 1 st June 2018 – 31 st July 2018	Pre-Sponsors Meeting	26/06/2018	David McCourt	Former Minister Naughten, Ciarán Ó hÓbáin	Discussion in advance of Sponsors meeting. Mr McCourt communicated commitment to the project and rural Ireland and asked about approach to full	No



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NBP Phase	Meeting	Date	Entity	Attendees/invitees	Meeting Note	Recorded on Lobbying.ie
	Sponsors Meeting	26/06/2018	Granahan McCourt; David McCourt, [REDACTED]	Former Minister Naughten, Mark Griffin, Ciarán Ó hÓbáin, and other DCCAE Officials	meeting. DCCAE indicated that discussion would focus on key issues to be addressed in order to conclude procurement. Discussion of the NBP – Addressed four issues: • Enet's conservatism with respect to cost and revenue will lead to a subsidy that cannot be recommended to Government as value for money. • [REDACTED] (enet) placed emphasis on uncertainty in relation to deployment make ready, deployment and unknown construction risk, uncertainty with respect to retailer on-boarding. • DCCAE highlighted conservatism with respect to predicted take up and new house builds as examples. • Enet D McCourt and his team reiterated their commitment to the project.	No



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees	Meeting Note	Recorded on Lobbying.ie
					• DCCAE asked bidder to reflect on positions and assumptions and revert	
	New York Meeting	16/07/2018	David McCourt, [REDACTED]	Former Minister Naughten, [REDACTED] and DCCAE Officials	Brief Discussion of the NBP – Addressed four issues that had been raised by the DCCAE. • The need for a “permanent, Irish-based leadership position within the Enet-led consortium”. Mr McCourt said the leadership position was “being addressed” and that an individual had been selected for the role. • A “streamlined decision making process within the consortium”. Mr McCourt said that, “provision for majority rather than unanimous decision making is now in place”. • The importance of the August 15th, 2018, deadline and the need for necessary financing to be in place at that time was also raised. The minutes note	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees	Meeting Note	Recorded on Lobbying.ie
					that this deadline would be met. • Mr McCourt also addressed “the need for any changes in the make-up of the consortium to be avoided or, if necessary, to be kept to a minimum”. This point was “understood by the consortium” which had been advised by law firm Arthur Cox that “as long as the consortium’s ‘lead bidder’ remains unchanged, such changes should not necessitate delays”.	
	Telephone Call	08/08/2018	David McCourt	Former Minister Naughten. (Secretary General Updated in advance of and following meeting).	Telephone call following Sponsors meeting. David McCourt sought confirmation of the Government’s ongoing commitment to the completion of the process	



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Appendix III: DCCAE Meetings with NBP Participants

Key

☐ Energy Efficiency; Better / Sustainable ☐ Energy Governance Group ☐ Electricity Policy	☐ Metropolitan Area Networks (MANs) / Management Services Entity (MSE) ☐ Other Meetings ☐ Telecommunications Internet Group
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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying
ISDS Dialogue 19 th July 2016 – 20 th June 2017	Workshop on Energy Efficiency	18/10/2016	SSE	Michael Manley, and other DCCAE Officials	This meeting was a workshop on a public consultation. SSE response available at: https://www.dccae.gov.ie/en-ie/energy/consultations/pages/energy-efficiency-Obligation-Scheme-Consultation-on-the-2017-2019-Phase-of-Operation.aspx	Yes	No



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
	Energy Efficiency / Electricity Policy	26/10/2016	SSE	Mark Griffin, Michael Manley	Yes	Yes	Yes
	Metropolitan Area Networks (MANs) discussion	03/11/2016	Enet	DCCAE/Officials	Yes	Yes	Not Applicable
	Management Service Entity (MSE) Liaison Meeting [in the context of the Metropolitan Area Networks (MANs)]	10/11/2016	Enet	DCCAE Officials	Yes	Yes	Not Applicable
	Metropolitan Area	16/11/2016	Enet	DCCAE Officials	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying- ie
	Networks (MANs) discussion						
	Metropolitan Area Networks (MANs) discussion	24/11/2016	Enet	DCCAЕ Officials	Yes	Yes	Not Applicable
	Metropolitan Area Networks (MANs) discussion	01/12/2016	David McCourt	Mark Griffin, Katherine Licken; and other DCCAЕ Officials	Validated with DCCAЕ	NO	Not Applicable
	Metropolitan Area Networks (MANs) discussion	12/12/2016	Enet	DCCAЕ Officials	Validated with DCCAЕ	NO	Not Applicable
	Energy Efficiency /	14/12/2016	SSE	Mark Griffin, Michael Manley	Yes	Yes	Yes



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
	Electricity Policy						
	Better Energy Governance Group (All Energy Companies Represented)	15/12/2016	SSE	DCCAE Officials	Yes	Yes	No
	Metropolitan Area Networks (MANs) discussion	20/12/2016	Enet	DCCAE Officials	Yes	Yes	Not Applicable
	Energy Efficiency Obligation Scheme	07/02/2017	SSE	DCCAE Officials	No – this was a workshop for the obligated parties under EEOs on their possible participation in the energy poverty schemes	n/a	No



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying file
	Energy Efficiency / Electricity Policy	24/03/2017	SSE, Stephen Wheeler	Mark Griffin	Validated with DCCAE	N/A	Yes
	Discussion Re MAANS	29/03/2017	Enet	DCCAE Official; [REDACTED]	Yes	Yes	Yes
	Metropolitan Area Networks (MAANS) discussion	31/03/2017	David McCourt [REDACTED] Enet	Sec Gen Mark Griffin, DCCAE Official	Yes	Yes	Not Applicable
	Better Energy Governance Group (All Energy Companies Represented)	11/04/2017	SSE	DCCAE Officials	Yes	Yes	No
	Management Service Entity (MSE) Liaison Meeting	12/04/2017	Enet	DCCAE Officials	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on lobbying file
ISDS Submission 20 th June 2017 – 9 th February 2018	(In the context of the Metropolitan Area Networks (MANs))						
	Better Energy Governance Group (All Energy Companies Represented)	19/06/2017	SSE	DCCAE Officials	Yes	Yes	No
	Metropolitan Area Networks (MANs) discussion	20/06/2017	Enet	DCCAE Officials	Validated with DCCAE	No	Not Applicable
	Advance notice re change in shareholdings	26/06/2017	David McCourt	Mark Griffin, DCCAE Official	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on lobbying.
	[Context of MANs and MSE, plus non MANs business expansion with SSE]						
	Update re MANs change in DCCAE [Context of MANs and non MANs Network]	06/07/2017	Enet	Clairín Ó hÓbáin; DCCAE Official	Yes	Yes	Not Applicable
	Management Service Entity (MSE) Liaison Meeting [In the context of the Metropolitan	19/07/2017	Enet	DCCAE Officials	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying
	Area Networks (MANs)]						
	Notice re completion of change in shareholdings [Context of MANs and MSE]	08/08/2017	Enet	DCCA Official	Yes	Yes	Not Applicable
	Telecoms Industry Federation Delegation	11/10/2017	TIF delegation including eNet	DCCA Officials	Yes	Yes	No
	Management Service Entity (MSE) Liaison Meeting [in the context of the Metropolitan	18/10/2017	[Redacted] Enet	DCCA Officials and [Redacted]	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
	Area Networks (MANS)						
	Energy Efficiency / Electricity Policy	18/10/2017	SSE	DCCAE Officials	Yes	Yes	No
	Better Energy Governance Group (All Energy Companies Represented)	05/12/2017	SSE	DCCAE Officials	Yes	Yes	No
	IBEC Delegation	13/12/2017	IBEC delegation including eNet	DCCAE Officials	Yes	Yes	No
	Telecoms Industry Federation Delegation	18/01/2018	TIF delegation including eNet	DCCAE Officials	Yes	Yes	No



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
	Management Service Entity (MSE) Liaison Meeting [In the context of the Metropolitan Area Networks (MANs)]	31/01/2018	Enet	DCCAE Officials	Yes	Yes	Not Applicable
	British Irish Chamber of Commerce Meeting Energy	02/02/2018	SSE meeting with Assistant Secretary Energy	DCCAE Officials	Yes	Yes	Yes
ISRDS Dialogue	Advice that enet were not proceeding with rollout to	14/02/2018	Enet	Ciarán Ó hÓbáin; DCCAE Officials	Yes	Yes	No



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
7 th March 2018 – 1 st June 2018	115,000 premises						
	Introductory Meeting MG [Context of NBP – Affirming Commitment Same]	28/02/2018	David McCourt	Mark Griffin, Claran Ó hÓbáin	Yes	Yes	No
	Energy Efficiency / Electricity Policy	06/03/2018	SSE	Secretary General, DCCAE Officials	Validated with DCCAE	N/A	Yes
	Telecoms Industry Federation Delegation	12/04/2018	TIF delegation including eNet	DCCAE Officials	Yes	Yes	No
	Management Service Entity (MSE) Liaison Meeting	25/04/2018	Enet	DCCAE Officials	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/Invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying.
ISRDS Submission 1 st June 2018 – 31 st July 2018	[In the context of the Metropolitan Area Networks (MANs)]						
	Sustainable Energy Governance Group (All Energy Companies Represented)	25/04/2018	SSE	DCCAE Officials	Yes	Yes	No
	Meeting [in the context of the Metropolitan Area Networks (MANs)] Some Discussion of	20/06/2018	Enet	DCCAE Officials	Yes	Yes	Not Applicable



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on Lobbying. ie
	Co-location with NBP Advise of Departure of CFO						
	Telecoms Industry Federation Delegation	28/06/2018	TIF delegation including eNet	DCCAE Officials	Yes	Yes	No
ISFT Dialogue 4 th July – 13 th September 2018	Energy Efficiency / Electricity Policy	05/09/2018	SSE – Visit Beatrice Offshore Wind Farm	Michael Manley	Validated with DCCAE	No	No As of 5/11/2018
ISFT Evaluation 18 th September – 31 st October 2018	Management Service Entity (MSE) Liaison Meeting [in the context of the Metropolitan	03/10/2018	Enet	DCCAE Officials	Meeting note yet to be finalised.	No	No as of 5/11/2018



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NBP Phase	Meeting	Date	Entity	Attendees/invitees (Where a note of meeting is provided it details attendance, for other meetings the list includes those invited to meeting)	Meeting Note	Note provided	Recorded on lobbying
	Area Networks (MANs)]						
	Non NBP Business	05/10/2018	Enet	Ciarán Ó hÓbáin	Yes	Yes	No as of 5/11/2018

Better Energy Governance Group / Efficient Energy Governance Group: DCCAE, SEAI, Energia, Airticity, Electric Ireland, Bord na Móna, Bord Gáis, Calor Gas, Lissan Coal Company, Irish Petroleum Industry Association (IPIA), Retrofit Energy Ireland Ltd. (REIL), Vayu, Optien.

Management Service Entity: The Management Services Entity (MSE) is responsible for independently managing, maintaining and operating the Metropolitan Area Networks (MANs) on behalf of the State. Enet is the contracted as the MSE until 2030.

Management Service Entity Liaison Committee: The MANs are independently managed, maintained and operated for the State by a Management Services Entity (MSE). The Management Service Entity (MSE) Liaison Committee comprises representatives of the DCCAE, the Local Authorities and the Management Services Entity (currently enet). The MSE Liaison Committee meets three or four times a year to review the operation of the MANs.

Metropolitan Area Networks (MANs): The Metropolitan Area Networks (MANs) are State-owned telecoms networks which consist of carrier-neutral telecoms duct and fibre optic cable rings linking the main commercial and public buildings to "co-location centres". Telecommunications operators locate their equipment in these co-location centres and access the MANs network.



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A total of 88 MANs covering 94 regional towns and cities were constructed under the MANs Programme. 28 MANs were completed under Phase I and 60 MANs (covering 66 towns) were completed under Phase II. The MANs were co-financed by central Government, Local Authorities and the EU's European Regional Development Fund.

Telecommunications and Internet Federation: The Ibec Telecommunications and Internet Federation (TIF) is the representative body for leading industry and associated interest groups in the field of electronic communications. TIF represents companies involved in the provision of fixed, mobile, and wireless services



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Appendix IV: Metropolitan Area Networks

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A total of 88 MANs covering 94 regional towns and cities were constructed under the MANs Programme. 28 MANs were completed under Phase I and 60 MANs (covering 66 towns) were completed under Phase II.

The MANs were co-financed by central Government, Local Authorities and the EU's European Regional Development Fund.

The MANs are independently managed, maintained and operated for the State by a Management Services Entity (MSE), 'enet'. Following an open tender process, enet was appointed in July 2004 for a 15-year term to manage the Phase I MANs. In July 2009, following a further open tender process, enet was awarded a 15-year contract to manage the 60 Phase II MANs.

In order to provide certainty to the telecoms market, and to ensure the continued availability of the MANs infrastructure, the term of both MSE Contracts was extended to 2030.

For further information on how the MANs operate you can visit <https://www.enet.ie>.



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Appendix V - National Broadband Plan (NBP) Process Auditor Terms of Reference

The Process Auditor will be required to provide procurement process audit services in respect of the State led intervention programme for the National Broadband Plan (NBP).

In providing his/ her process auditor services, the Process Auditor will:

1. record that each step / procedure on the approved procurement process has been addressed by the Evaluation Teams, Evaluation Review Panel and Procurement Management Team, where relevant. In order to record that a step has been completed, the Process Auditor must be satisfied that the step has been given due consideration at the appropriate level.
2. be required to confirm that the appropriate guidelines (e.g. Capital Appraisal Guidelines, Capital Management Framework, Public Spending Code) have been adhered to in the procurement of the Project, in addition to confirming formally and independently that the operation of procurement process and decision making in respect of procurements associated with the NBP are fair, objective and follow the agreed processes.
3. be present at Tender Openings.
4. be required to directly observe the decision-making process and confirm that this process is conducted in line with the process as set out in the procurement design in respect of the NBP procurement and that the decision-making process is fair to all applicants.
5. be required to review the documentation issued in respect of the procurement “the NBP” and review the briefing documents used in the evaluation and selection process.
6. be responsible for obtaining and reviewing all relevant documentation relating to the procurement process in his/her role as Process Auditor. It should be noted that relevant documentation for the purposes of these terms of reference is documentation to which access is required only in order to check the fairness and robustness of the procurement process, and access to such documentation is on a needs-only basis.



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7. be required to attend the Evaluation Review Panel meetings where in his/her view he/she needs to attend in order to be satisfied that due process is followed.
8. be required to attend and participate in (as required) Procurement Board meetings, indicatively on a bi-monthly basis, throughout the Procurement Process. These meetings may become more frequent at various key stages of the procurement.
9. be required to attend meetings where decisions on excluding parties based on award criteria or for other reasons are discussed and agreed.
10. be required to report to the Accounting Officer (Secretary General, DCENR) or designate in respect of the implementation of decision-making process.
11. be provided by the Department with documentary evidence outlining the consideration of and the basis for decisions made in relation to the NBP Procurement Process.

The Process Auditor must raise as a point of concern, instances where decisions or advice, relating to the stages as set out in the procurement process, do not appear to have been followed through by the Evaluation Teams/ Evaluation Review Panel/ Procurement Management Team or Senior Management. He/she shall communicate all concerns directly to the Chair of the Procurement Board (where relevant to its role) and/or Accounting Officer.

2. The Process Auditor is not a second layer of project management

He/she is not required to comment on any action/omission/ decision taken in relation to the NBP which is not related to the steps set out in the procurement process. The Process Auditor will not contribute to the discussion in any way with respect to the proposals under consideration or with respect to any discussion on the Department's policy for the procurement of the NBP.

Decisions made in relation to the NBP are not the responsibility of the Process Auditor, nor does he/she have the authority to challenge or second guess any decisions or expert advice provided to the Department's NBP procurement and evaluation project teams.